

TENNESSEE STATE BOARD OF EDUCATION		
BULLYING, CYBER-BULLYING, DISCRIMINATION, HARASSMENT, AND HAZING		6304
ADOPTED: July 28, 2017	REVISED:	MONITORING: Review: Annually

In order to maintain a safe and supportive school environment, acts of bullying, cyber-bullying, discrimination, harassment, hazing, or any other victimization of students, based on any actual or perceived traits or characteristics, are prohibited.ⁱ Each authorized charter school shall adopt a policy regarding bullying, cyber-bullying, discrimination, harassment, hazing, or any other victimization of students, based on any actual or perceived traits or characteristics, in compliance with state law and this policy. The policy will cover a school's employees, employees' behaviors, students and students' behaviors while on school property, at any school-sponsored activity, on school-provided equipment or transportation, or at any official school bus stop. If the act takes place off school property or outside of a school-sponsored activity, this policy is applicable if the conduct is directed specifically at a student or students and has the effect of creating a hostile educational environment or otherwise creating a substantial disruption to the educational environment or learning process. The school is responsible for educating and training their respective staff and students as to the definition and recognition of discrimination/harassment.

Definitions

"Bullying/Intimidation/Harassment" is an intentional act that substantially interferes with a student's educational benefits, opportunities, or performance, and the act has the effect of:

- (1) Physically harming a student or damaging a student's property;
- (2) Knowingly placing a student or students in reasonable fear of physical harm to the student or damage to the student's property;
- (3) Causing emotional distress to a student or students;
- (4) Creating a hostile educational environment; or
- (5) Creating unwelcome conduct based on a protected class (race, nationality, ethnicity, gender, age, disability, religion) that is severe, pervasive, or persistent and creates a hostile environment.

"Cyber-bullying" is a form of bullying undertaken through the use of electronic devices. Electronic devices include, but are not limited to, telephones, cellular phones or other wireless telecommunication devices, computers, text messaging, emails, social networking sites, instant messaging, videos, web sites or fake profiles.

"Hazing" is an intentional or reckless act by a student or group of students that is directed against any other student(s) that endangers the mental or physical health or safety of the student(s) or that induces or coerces a student to endanger his/her own mental or physical health or safety. Coaches

and other employees of a school shall not encourage, permit, condone, or tolerate hazing activities.ⁱⁱ “Hazing” does not include customary athletic events or similar contest or competitions and is limited to those actions taken and situations created in connection with initiation into or affiliation with any organization.

Complaints and Investigations. The school shall adopt a policy addressing how complaints and investigations are handled, including the person responsible for handling the investigation, a timeline for completion of an investigation, notification given to all necessary parties of an investigation, and any disciplinary action taken as the result of an investigation.ⁱⁱⁱ

Response and Prevention. The school shall adopt a policy addressing the response and prevention of any behaviors prohibited by this policy.

Reports. The school shall adopt a policy for reporting any instance of bullying, cyber-bullying, discrimination, harassment, or hazing to the school leader and the Director of Schools.

Retaliation and False Accusations. Retaliation against any person who reports or assists in any investigation of an act alleged in this policy is prohibited. The consequences and appropriate remedial action for a person who engages in retaliation shall be determined by the school after consideration of the nature, severity, and circumstances of the act. False accusations accusing another person of having committed an act prohibited under this policy are prohibited. The consequences and appropriate remedial action for a person found to have falsely accused another shall be determined by the school.

Legal References:

ⁱ T.C.A. § 49-6-4503

ⁱⁱ T.C.A. § 49-2-120

ⁱⁱⁱ 20 U.S.C. § 1681 to 1686;

Public Acts of 2016, Chapter No. 783